

REMARKS

In this paper, claims 32 and 35 are currently amended. After entry of the above amendment, claims 1-37 are pending.

Claims 32 and 35 have been amended to provide proper antecedent basis for the recited terms.

Claims 1-5 and 13-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakabayashi, et al (JP 4-150729) in view of Mitchell (US 6,355,990). This basis for rejection is respectfully traversed.

Nakabayashi, et al discloses a first battery (7) that charges second and third batteries (12,13) through a charger (11) when a switching means (14) is in a first state (A). When the switching means is in a second state (B), then the second and third batteries (12) and (13) are connected in series to feed power to a voltage system (16) (e.g., a heater). Thus, Nakabayashi, et al discloses the load as being a heater. The present claims are directed to bicycle components. As such Nakabayashi, et al is nonanalogous art and should not form a part of the obviousness analysis.

Furthermore, one of ordinary skill in the art fully realizes that batteries are connected in series in order to provide a voltage to the voltage system (16) that is the sum of the individual battery voltages. That would be especially apparent because a heater is disclosed as the load, and heaters have high voltage and current requirements. Using the batteries separately would underpower the load. Furthermore, powering multiple components with the batteries (12) and (13) separately simply provides additional drain on each battery, which one would expect to be very undesirable.

Claims 6-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakabayashi, et al in view of Mitchell and Flory IV (US 6,388,392). This basis for rejection is respectfully traversed for the same reasons noted above.

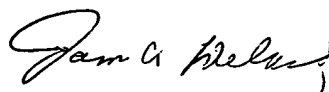
Furthermore, There must be some logical reason apparent from positive, concrete evidence of record which justifies a suggestion to modify a prior art structure. See In re Regel, 188 USPQ 136,

139 (CCPA 1975). The motivation to combine must be clear and particular, and it must be supported by actual evidence. Teleflex, Inc. v. Ficosa North America Corp., 63 USPQ.2d 1374, 1387 (Fed.Cir. 2002). Also, a rejection based on Section 103 must rest on a factual basis, with the facts being interpreted without hindsight reconstruction of the invention from the prior art. The examiner may not resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. Ex parte Haymond, 41 USPQ2d 1217 (BdPatApp&Int 1996). The switching means (14) in Nakabayashi, et al charges the batteries (12) and (13) when in the first state (A). There is no evidence at all that any charge is wasted during the charging operation or that the batteries charge unevenly. There is no evidence that control of current flow between batteries (12) and (13) would have any benefit in the Nakabayashi, et al system. It is respectfully submitted that assertions related to wasted charge or enhanced efficiency is an improper unfounded assumption.

Claims 10-12 and 23-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakabayashi, et al in view of Mitchell, Flory IV and Turner (US 2002/0014366). This basis for rejection is respectfully traversed for the same reasons noted above. Furthermore, the claim to a more efficient bicycle system is a conclusory assumption without factual basis of just exactly why such a system would be more efficient.

Accordingly, it is believed that the rejections under 35 U.S.C. §103 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



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